

AMENDED IN SENATE MARCH 29, 2006

**SENATE BILL**

**No. 1808**

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**Introduced by Senator Aanestad**

February 24, 2006

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An act to ~~amend Section 2080 of~~ *add Section 2220.1 to the Business and Professions Code, relating to medicine.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1808, as amended, Aanestad. ~~Medicine—Physicians and surgeons: death penalty executions.~~

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California.

*Existing law provides that persons sentenced to death shall have the punishment imposed by lethal gas or lethal injection. Existing law requires the warden of the state prison where the execution is to take place to invite specified persons to attend the execution. Existing law provides that a physician so invited may not be compelled to attend the execution and his or her refusal to attend may not be used in any disciplinary action.*

*This bill would ~~make a nonsubstantive and technical change~~ specify that a physician and surgeon who carries out or participates in a death penalty execution does not violate the Medical Practice Act and is not subject to disciplinary action by the board.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 2220.1 is added to the Business and*  
2     *Professions Code, to read:*

3     2220.1. *Notwithstanding any other provision of law, a*  
4     *physician and surgeon who carries out or participates in a death*  
5     *penalty execution, as described in Section 3604 of the Penal*  
6     *Code, does not violate any provision of this chapter and shall not*  
7     *be subject to any disciplinary action by the board.*

8     ~~SECTION 1. Section 2080 of the Business and Professions~~  
9     ~~Code is amended to read:~~

10    ~~2080. (a) Except as otherwise provided, the provisions of this~~  
11    ~~article applicable to applications generally shall apply to all of~~  
12    ~~the certificates issued.~~

13    ~~(b) Every applicant for a physician's and surgeon's certificate~~  
14    ~~shall comply with the requirements of this article unless other~~  
15    ~~specific requirements of this chapter are applicable to a particular~~  
16    ~~class of applicant.~~